HONOURABLE SRI JUSTICE B. SESHASAYANA REDDY

W.P.No.16168 of 2005

Between:

Mara Lakshmi, W/o. Late Sri Lakshminarayana,

Hindu, aged about 45 years, R/o.Bhimavaram,

Vatsvai Mandal, Krishna District and others.

.. Petitioners

and

The Sub-Collector, Krishna District,

Vijayawada (Land Reforms Tribunal,

Vijayawada), Krishna District and another

.. Respondents

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ORAL ORDER:

1) This writ petition has been filed assailing the order dated 12.7.2005 in C.C.No.681/JPT/1975, passed by the Lands Reforms Tribunal, Vijayawada.

2) This case has a long chequered career. One Mara Lakshminarayana was the declarant in C.C.No.681/J.Pet/75 and he

was found to be holding excess of ceiling area. He preferred L.R.A.No.22 of 1984 on the file of the Land Reforms Appellate Tribunal, Machilipatnam, which was subsequently transferred to the file of Land Reforms Appellate Tribunal, West Godavari District and re-numbered as L.R.A.No.156 of 1994. Pending the appeal, the appellant-declarant died. When the authorities proceeded to take steps for possession of the lands which are in excess holding of the delcarant, the petitioners filed W.P.No.8975 of 2001 seeking direction to the respondents (Sub-Collector, Krishna District and Gram Panchayat, Bhimavaram) not to interfere with their possession in respect of Ac.17.36 cents. The said writ petition came to be disposed of on 18.7.2002. The order passed in the said writ petition reads as follows:

> *"The petitioners are the legal representatives of late Lakshminarayana, the declarant under the provisions of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973. The case of the petitioners is that though the said declarant died, the Tribunal proceeded to decide the case and determine the surplus land. The petitioners, therefore, filed an application to set aside the said order passed on 6.12.1995 and the same is pending on the file of Tribunal. It is alleged that the respondents herein are trying to dispossess the petitioners under the guise of the earlier orders passed declaring the original declarant as surplus landholder. There is no dispute about the fact that the petitioners herein continue to be in possession of the lands and that the application filed by them to set aside the order, dated 6.12.1995 is pending.*
>
> *This Court, while admitting the writ petition granted interim order on 1.5.2001 in W.P.M.P.No.11384 of 2001 not to dispossess the petitioners from the lands in question.*
>
> *Having considered the submissions made on either side and also having regard to the fact that substantive proceedings are still pending before the Tribunal, it would suffice, in the interest of justice, if the said proceedings are directed to be completed at the earliest. The writ petition is accordingly disposed of directing the first respondent to conduct and complete the enquiry and pass orders on the applications filed by the petitioners after giving opportunity to both sides. Pending disposal of the above case, there shall be stay of dispossession of the petitioners from the lands in question."*

3) Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents.

The learned counsel for the petitioners submits that the 1st petitioner, in spite of her best efforts, could not be in a position to furnish the particulars of the lands to be surrendered towards excess holdings and she was not able to get the correct information about the lands held by the deceased-declarant. He further submits that in the representation dated 19.7.2005 submitted to the to the Sub-Collector, Land Reforms Tribunal, Vijayawada, 1st petitioner indicated the lands proposed to be surrendered towards the excess holdings and so, the Land Reforms Tribunal ought to have accepted the same.

4) It appears that the order passed by the Land Reforms Tribunal reached finality being not questioned by any of the legal representatives of the declarant. The Land Reforms Tribunal directed the 1st petitioner, who is one of the legal representatives of the declarant, to surrender the excess land equivalent to 0.6201 SH. Form VI Notice was served on the 1st petitioner on 15.3.2005. It is the contention of the 1st petitioner that she approached the authorities for particulars of the land since the same were not within her knowledge and the authorities have furnished certain particulars.

5) A fact remains that the 1st petitioner has not furnished the particulars of the lands to be surrendered towards excess holdings. Therefore, the Land Reforms Tribunal, having no option, selected the lands towards the excess holdings and put on notice to the petitioners on 12.7.2005. Form-IX notice was served on the 1st petitioner directing her to deliver possession of the lands indicated in the schedule on or before 16.7.2005. Assailing the order dated 12.7.2005, the petitioners have field this writ petition.

6) There appear to be a dispute between the 1st petitioner who is the 2nd wife of the declarant and her step-sons. A notice dated 15.3.2005

was served directing her to indicate the lands to be surrendered towards excess holdings. But, she did not chose to give reply. Therefore, there was no option to the authorities except to select the lands towards the excess holdings and indicate the same to the declarant. Accordingly, the authorities selected the lands and put on notice to the petitioners and issued impugned proceedings. Such is the situation, the action of the authorities in selecting the lands towards excess holdings cannot be found fault.

The writ petition is devoid of merits and is accordingly dismissed. No costs.

09.08.2005

bcj

Note: Furnish copy in one week.

b/o

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